

PETITIONS AND MEMORIALS.

By Senator Collins:

Petition numerously signed by merchants and citizens of Jefferson county, Texas, asking support of the following Senate bill:

Making it a misdemeanor for a person to give a check on a bank when the person knowingly has no money in said bank to meet the check on presentation.

Senate bill imposing a special tax on persons who sell so-called bankrupt and damaged stocks of merchandise in towns other than their place of residence.

Senate bill amending the law as to peddlers by specifically defining a peddler.

Senate bill giving mortgagee the right to inspect mortgaged property at any time.

By Senator Ratliff:

Petition numerously signed by salesmen of the J. R. Watkins Medicine Company asking repeal of law requiring large license to be paid by them.

By Senator Perkins:

Communications from W. M. Shirley and J. L. Lovejoy, President of the First National Bank of McKinney, protesting against the passage of the Full Crew bill.

By Senator Meachum:

By citizens of Walker county, numerously signed, favoring the passage of the bill permitting the lease and purchase by the M., K. & T. Ry. Co. of Texas of the properties of the Texas Central Ry. Co., etc.

TWENTY-FIRST DAY.

Senate Chamber,

Austin, Texas,

Monday, Feb. 13, 1911.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Davidson.

Roll call, quorum being present, the following Senators answering to their names:

Adams.
Astin.
Bryan.
Carter.

Cofer.
Collins.
Greer.
Hudspeth.

Johnson.
Lattimore.
Mayfield.
McNealus.
Meachum.
Murray.
Paulus.
Peeler.
Perkins.
Ratliff.

Real.
Terrell, McLennan.
Terrell, Wise.
Townsend.
Vaughan.
Ward.
Warren.
Watson.
Weinert.
Willacy.

Absent.

Hume.
Kauffman.

Sturgeon.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, on motion of Senator Perkins, the same was dispensed with.

REGULAR ORDER.

The Chair called the regular order of business. (See appendix for committee reports and petitions and memorials.)

ENROLLING CLERK INSTRUCTED TO HOLD BILL.

Senator Hudspeth here moved that the Chairman of the Committee on "Enrolled Bills" be instructed to return Senate bill Nos. 10 and 86 to the Enrolling Clerk and that he hold same until further instruction from the Senate.

The motion prevailed.

COMMITTEE CLERK ASSIGNMENTS.

The Chair, Lieutenant Governor Davidson, announced the following assignments of committee clerks:

Committee on Congressional Districts—Assigned to room No. 1, J. C. Canty, Clerk.

Committee on Senatorial Districts—Assigned to Reception room, Oliver Aldrich, Clerk.

Committee on Representative Districts—Assigned to the Secretary's room, C. R. Buchanan, Clerk.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives.

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following bill:

House bill No. 269, A bill to be entitled "An Act to create a more efficient road law for Cherokee county, Texas, making the members of the commissioners' court road commissioners for their respective precincts; defining their powers and duties and fixing their compensation as such road commissioners, and requiring that they give bond, and providing for the adoption of a road system for working and repairing the public roads and bridges, and authorizing the employment of a civil engineer or other competent person in each commissioner's precinct in laying out and constructing public roads and bridges; providing that work on public roads and bridges may be let out by contract, authorizing the employment of county convicts on public roads, and providing rules and regulations therefor; defining the powers and duties of road overseers and providing for their compensation, and for the use of tools, teams, etc.; defining the duties of road hands, fixing the time they shall work, and providing for the payment of money in lieu of road work; providing for additional compensation for county judge and county commissioners; providing that no part of the road and bridge fund or of any special tax levied for road and bridge purposes shall be used for any other purpose; making this Act cumulative of the general road laws, repealing Chapter 3 of the Special Laws of the Twenty-ninth Legislature, approved February 16, 1905, and Chapter 13 of the Special Laws of the Thirty-first Legislature, approved February 26, 1909, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill:

House bill No. 269, referred to Committee on Roads, Bridges and Ferries.

(Senator Meachum in the chair)

SENATE BILL NO. 77—HOUSE AMENDMENTS CONCUR- RED IN.

Senator Weinert called up,

Senate bill No. 77, A bill to be entitled "An Act granting to the city of New Braunfels, in addition to the powers now conferred by the General Laws now in force or which may hereafter be enacted, the right, power, privilege and authority to erect, build, construct, maintain and operate within as well as without its city limits a water works system, an electric light system, a power system and any other public utilities, together with the necessary plant or plants and all incidental buildings, machinery, mains, pipes, pumps, turbines, wires, poles, appliances and constructions, and the right, power, privilege and authority to dispose of or sell within its city limits and one mile beyond said limits water, electricity and power for any and all purposes; granting to the city of New Braunfels the right, power, privilege and authority to erect, build, construct, maintain and operate any number of dams, reservoirs, lakes, locks, abutments, buildings, machinery, mains, pipes, pumps, turbines, wires, poles, appliances and constructions in, at, on, over and across the Guadalupe river, at any point or points between the point where the Comal and the Guadalupe county line crosses the Guadalupe river, and up said river to a point twelve miles from said county line; granting to the city of New Braunfels the privilege and right of using all the land and water and riparian rights and all the rights and all the rights of every character of the State of Texas, in, to and adjacent to said Guadalupe river between the points above mentioned, including especially such rights as its bed, channel, banks, waters, falls, powers and current; granting to and conferring upon the city of New Braunfels the right, power, privilege and authority in any manner to dam and overflow the water of said Guadalupe river and its tributaries between the points above mentioned, and in any manner to deepen, lower, drain and excavate the channel, bed and banks of said Guadalupe river between the points above mentioned, and to back the water in said Guadalupe river and its tributaries between the points above mentioned to any height, but not in the Comal river

above the north line of San Antonio street; granting to and conferring upon the city of New Braunfels in addition to the power of condemnation and of eminent domain by the General Laws now in force or which may hereafter be enacted, the right, power, privilege and authority to purchase, acquire, hold, own, occupy, possess and condemn all lands, waters, springs, rivers, dams, constructions, rights, franchises, material and any other property which may be needed or used by the city of New Braunfels in erecting, building, constructing, maintaining and operating a water works system, an electric light system, a power system and other public utilities, together with the necessary dam or dams, plant or plants and incidental buildings, machinery, mains, pipes, pumps, turbines, wires, poles, appliances and constructions; providing that the laws which are now in force or may hereafter be enacted, prescribing the rights of and procedure by railroad corporations and companies in condemnation therefor, shall apply to and govern the city of New Braunfels, in condemnation proceedings to acquire lands, waters, springs, dams, constructions, rights, franchises, material and any other property, and making compensation therefor under the power herein granted said city, and declaring an emergency," with the following House amendments:

(Committee Substitute Amendment.)

Amend the caption of Senate bill No. 177 by striking out all after the word "entitled" and insert the following:

"An Act granting the city of New Braunfels, in addition to the powers now conferred by the general laws now in force or which may hereafter be enacted, the right, power, privilege and authority to erect, build, construct, maintain and operate within as well as without its city limits a water works system, an electric light system, a power system, and any other public utilities, together with the necessary plant or plants, and all incidental buildings, machinery, mains, pipes, pumps, turbines, wires, poles, appliances and constructions, and the right, power, privilege and authority to dispose of or sell within its city limits and one mile beyond said city limits water, electricity and power for any and all

purposes; granting to the city of New Braunfels the right, power, privilege and authority to erect, build, construct, maintain and operate any number of dams, reservoirs, lakes, locks, abutments, buildings, machinery, mains, pipes, pumps, turbines, wires, poles, appliances and constructions in, at, on, over or across the Guadalupe river at any point or points between the point where the Comal and the Guadalupe county line crosses the Guadalupe river, and up said river to a point twelve miles from said county line; granting to the City of New Braunfels the privilege and right of using all the land and water and riparian rights and all the rights of every character of the State of Texas in, to and adjacent to said Guadalupe river, between the points above mentioned, including especially such rights in its bed, channel, banks, waters, falls, powers and current; granting to and conferring upon the City of New Braunfels the right, power, privilege and authority in any manner to dam and overflow the water of said Guadalupe river and its tributaries between the points above mentioned and in any manner to deepen, lower, drain and excavate the channel, bed and banks of said Guadalupe river between the points above mentioned, and to back the water in said Guadalupe river and its tributaries between the points above mentioned to any height, but not in the Comal river, above a line drawn across said Comal river, one hundred and eighty-five feet below the south line of San Antonio street; granting to and conferring upon the City of New Braunfels, in addition to the powers of condemnation and of eminent domain conferred by or existing under the general laws now in force or which may hereafter be enacted, the right, power, privilege and authority to purchase, acquire, hold, own, occupy, possess and condemn all lands, water, springs, rivers, riparian rights, water rights, pumps, water wheels, dams and dams which may be needed or used by the city of New Braunfels in erecting, building, constructing, maintaining and operating a water works system, an electric light system, a power system and other public utilities, together with the necessary dam or dams, plant or plants, and incidental buildings, machinery, mains, pipes, pumps, turbines, wires, poles, appliances

and constructions; and prescribing the limitations under which such powers shall be exercised; providing that the laws which are now in force or may hereafter be enacted, prescribing the procedure by railroad corporations and companies in condemning and acquiring real estate, property and material and making compensation therefor, shall apply to and govern the City of New Braunfels in condemnation proceedings in acquiring lands, waters, springs, rivers, riparian rights, water rights, pumps, water wheels, rams and dams, and making compensation therefor under the powers herein granted said city, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Amend Senate bill No. 77 by striking out all after the enacting clause and insert the following:

Section 1. That there is hereby granted to the City of New Braunfels, in addition to the powers conferred by the General Laws now in force, or which may hereafter be enacted, the right, power, privilege and authority to erect, build, construct, maintain and operate within as well as without its city limits, a water works system, an electric light system, a power system, and any other public utilities, together with the necessary plant or plants and all incidental buildings, machinery, mains, pipes, pumps, turbines, wires, poles, appliances and constructions, and the right, power, privilege and authority to dispose of or sell within its city limits and one mile beyond said limits, water, electricity and power for any and all purposes.

Sec. 2. There is hereby granted to the City of New Braunfels the right, power, privilege and authority to erect, build, construct, maintain and operate any number of dams, reservoirs, lakes, locks, abutments, buildings, machinery, mains, pipes, pumps, turbines, wires, poles, appliances and constructions in, at, on, over or across the Guadalupe river at any point or points between the point where the Comal and Guadalupe county line crosses the Guadalupe river, and up said river to a point twelve miles from said county line.

Sec. 3. There is hereby granted to the City of New Braunfels the privilege and right of using all the land and water and riparian rights,

and all the rights of every character of the State of Texas, in, to and adjacent to, said Guadalupe river, between the points above mentioned, including especially such rights in its bed, channel, banks, waters, falls, powers and current; provided, that no more water shall be consumed or diverted from said rivers, or either of them, under this Act, than said city may divert or consume under the general laws now in force, or hereafter to be enacted.

Sec. 4. There is hereby granted to and conferred upon the City of New Braunfels the right, power, privilege and authority in any manner to dam and overflow the water of said Guadalupe river and its tributaries, between the points above mentioned, and in any manner to deepen, lower, drain and excavate the channel, bed and banks of said Guadalupe river, between the points above mentioned and to back the water in said Guadalupe river, and its tributaries between the points above mentioned to any height, but not in the Comal river above a line drawn across said Comal river one hundred and eighty-five feet below the south line of San Antonio street.

Sec. 5. There is hereby granted to and conferred upon the city of New Braunfels, in addition to the powers of condemnation and of eminent domain conferred by or existing under the general laws now in force or which may hereafter be enacted, the right, power, privilege and authority to purchase, acquire, hold, own, occupy, possess and condemn all lands, waters, springs, rivers, riparian rights, water rights, pumps, water wheels, rams and dams, which may be needed or used by the city of New Braunfels in erecting, building, constructing, maintaining and operating a water works system, an electric light system, a power system and other public utilities, together with the necessary dam or dams, plant or plants, and incidental buildings, machinery, mains, pipes, pumps, turbines, wires, poles, appliances and constructions; provided, that nothing in this Act shall be construed to give the city of New Braunfels the right to condemn or acquire by eminent domain proceedings, any rights, water power or riparian rights in the Comal river above a line drawn across said Comal river, one hundred and eighty-

five feet below the south line of San Antonio street.

Sec. 6. The laws which are now in force, or which may hereafter be enacted, prescribing the procedure by railroad corporations and companies in condemning and acquiring real estate, property and material and making compensation therefor, shall apply to and govern the City of New Braunfels in condemnation proceedings in acquiring lands, waters, springs, rivers, riparian rights, water rights, pumps, water wheels, dams and dams, and making compensation therefor under the power herein granted to said city.

Sec. 7. The great benefit to be derived by the public in general, by the City of New Braunfels and the citizens of New Braunfels, and the fact that said water is now daily going to waste, creates an imperative public necessity, necessitating the suspension of the constitutional rule requiring bills to be read on three several days in each house, and said rule is hereby suspended, and also creates an emergency, requiring that this Act shall take effect and go in force from and after its passage, and it is so enacted.

Senator Weinert moved that the Senate concur in the above House amendments, which motion prevailed by the following vote:

Yeas—28.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Terrell, McLennan.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Hume.	Sturgeon.
Kauffman.	

BILLS AND RESOLUTIONS.

By Senator Townsend:

Senate Joint Resolution No. 9, A Joint Resolution "To amend Section 51, of Article 3, of the Constitution of the

State of Texas, so as to authorize the grant of aid to indigent and disabled Confederate soldiers and sailors and their widows, and to soldiers who served in the militia and in organizations for the protection of the frontier, and their indigent widows, and to grant aid for the establishment and maintenance of a home for the indigent and dependent wives and widows of Confederate soldiers and sailors, and such women as aided the Confederacy, and authorize a special ad valorem pension tax, and making appropriations for same."

Read first time and referred to Committee on Constitutional Amendments.

By Senator Ratliff:

Senate bill No. 229, A bill to be entitled "An Act to regulate the lighting, heating, ventilation and fire protection of public school buildings that will be built, repaired or enlarged in Texas at an expense of more than four hundred dollars; to define the legal, sanitary, hygienic and protective regulations which shall be enforced; to require boards of school trustees to secure permits for the building, repairing or enlarging of a public school building in Texas at a cost of more than four hundred dollars; to authorize county superintendents of public instruction or county judges, as the case may be, to grant such permits for buildings in common school districts and the superintendents of schools in independent school districts incorporated for school purposes only and of cities or towns that have assumed control of their schools to grant such permits in their respective districts; to forbid disbursing officers from paying out public money for school buildings constructed, enlarged or repaired at an expense of more than four hundred dollars, unless a duly authorized permit for such work has been duly granted by the proper authority and unless the building conform to the requirements of this Act, and providing a penalty for failure to observe this Act, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs."

By Senator Willacy:

Senate bill No. 230, A bill to be entitled "An Act to authorize the sale of a portion of Harbor Island

and other islands in Red Fish bay, Corpus Christi bay and Aransas bay, and certain lands under the shallow waters of Red Fish bay, Corpus Christi bay and Aransas bay; to authorize the building of railroads, terminal railroads, or interurban railroads from any point on the main land to Aransas Harbor, and to provide for the purchase by any such railroads of certain lands on Harbor Island; to define the rights of channel and dock companies, which have heretofore, or may hereafter, dredge channels from the mainland to Aransas Harbor; to authorize the dredging of slips, the erection of docks, piers, dry docks, ship yards, sheds, railroad tracks, approaches, terminals, sidings, depots, warehouses, and all necessary appurtenances thereto, and to provide for the disposition of the funds arising from such sale, and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Willacy:

Senate bill No. 231, A bill to be entitled "An Act to create and establish the county of Kennedy, prescribing its area and boundaries, appointing commissioners to organize said county, and prescribing their duties, providing for a division of said county into commissioners' and justices' precincts, providing for holding county and precinct elections and for the election of county and precinct officers, and fixing the location of the county seat of said county; providing for the attachment of said county to judicial, representative, senatorial, congressional and supreme judicial districts, providing for the assessment and collection of taxes, and for the defraying the expenses of organizing said county and surveying and fixing its boundaries, and for the new county to pay its pro rata share of the debt of the counties from which it is taken, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Counties and County Boundaries.

By Senators Hudspeth, Watson and Johnson:

Senate bill No. 232, A bill to be entitled "An Act to amend Article 941, as amended by the Act of April 30,

25-S.

1901, of the Revised Civil Statutes of Texas, defining the original and appellate jurisdiction of the Supreme Court, and to provide for disposition of the causes now pending therein, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senators Terrell of Wise and Vaughan:

Senate bill No. 233, A bill to be entitled "An Act to regulate the presentation and collection of claims for two hundred (\$200.00) dollars or less, for personal services rendered or for labor done, or for material furnished, or for overcharges on freight or express, or for lost or damaged freight, or for stock killed or injured, against any person or corporation or receiver, and providing a reasonable amount of attorneys' fees, not exceeding (\$20.00) dollars, to be recovered, in suit on such claims, and declaring an emergency."

Read first time and referred to Committee on Judiciary No. 1.

By Senator Lattimore (by request):

Senate bill No. 234, A bill to be entitled "An Act defining livestock commission merchants; requiring such merchants to give bond; imposing penalty for pursuing occupation of livestock commission merchants when bond has not been made; providing that suits may be brought on such bonds; fixing the venue of such suits; repealing all laws in conflict, and declaring an emergency."

Read first time and referred to Committee on Stock and Stock Raising.

By Senator Lattimore.

Senate bill No. 235, A bill to be entitled "An Act defining and regulating fraternal beneficiary associations, and repealing Chapter 36 of the General Laws of the Thirty-first Legislature of the State of Texas, First Called Session thereof, as amended by Chapter 22 of the General Laws of Texas, passed by the Thirty-first Legislature of Texas at the Second Called Session thereof, and repealing all laws and parts of laws in conflict therewith."

Read first time and referred to Judiciary Committee No. 1.

By Senator Greer:

Senate bill No. 236, A bill to be entitled "An Act to create a more efficient road system for Wood county, Texas, and making the county commissioners of said county ex officio road commissioners; prescribing their compensation as such road commissioners, and providing for working county convicts upon public roads of said county and for the payment of the fees of officers and witnesses in such cases and providing for the amount of time to be allowed road hands for their teams, and providing for the payment of \$3.50 in lieu of road service; abolishing the road overseer system in Wood county; making road hands subject to the control of the road commissioners and road superintendents of Wood county, and making road hands subject to road service anywhere in the commissioners precinct in which they reside, but not exceeding five miles from their place of residence; and providing further, making this law cumulative of the general road laws, and in case of a conflict this Act to govern as to Wood county; repealing Chapter 11 of the Special Laws of the Second Called Session of the Thirty-first Legislature of Texas; and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Vaughan:

Senate bill No. 237, A bill to be entitled "An Act to amend Section 6 of Chapter 164, General Laws of the State of Texas, passed at the Regular Session of the Twenty-ninth Legislature and approved May 1st, 1905, as amended by Senate bill No. 61, passed by the Regular Session of the Thirty-second Legislature of the State of Texas, and approved February 2, 1911, relating to a system of State, county and city depositories for State, county and city funds, and defining the duties of the State Treasurer as to the acceptance of county and municipal and independent school districts bonds as collateral security for depositories, repealing all laws in conflict therewith, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Vaughan:

Senate bill No. 238, A bill to be

entitled "An Act to repeal Article 771 of the Code of Criminal Procedure of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature."

Read first time and referred to Judiciary Committee No. 2.

SENATE BILL NO. 201.

(By Unanimous Consent.)

The Chair laid before the Senate on third reading,

Senate bill No. 201, A bill to be entitled "An Act to create more efficient road system for Collin county in the State of Texas, and making county commissioners ex officio road commissioners; and prescribing their powers and duties as such, and providing for their compensation as such road commissioners and providing for the condemning of material for the construction and maintenance of public roads and to provide for the compensation for the material used, and providing for the working of county convicts on the public roads and the purchase of supplies for such convicts and reward for the capture of escaped convicts and for the commutation of sentence for faithful service, and good behavior, and defining the powers and duties of road overseers, and to provide for the summoning of hands and teams for road work and for the allowance of time for services of hands and teams on public roads, and fixing a penalty for violation of same and relieving them from the payment of such work by the payment of three dollars (\$3.00); and providing further, making this Act cumulative of the General Laws now in force; and to repeal all laws in conflict with this Act, and declaring an emergency."

The bill was read third time and passed.

Senator Perkins moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 129.

The Chair laid before the Senate on second reading and pending business,

Senate bill No. 129, A bill to be entitled "An Act to amend Article 4542, Chapter 10, Title 94, Revised

Statutes of Texas of 1895, relating to passenger fares upon railroads."

The question was on the following pending amendment:

Amend bill by adding at the end of line 20 of the bill the following:

"Provided when a passenger presents a ticket entitling her or him to ride to a station at which the train on which such passenger is riding does not stop, the company shall, upon request of such passenger, deliver such passenger at the station called for by the ticket, on the first train stopping at such station, without extra charge therefor."

The amendment was read and adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Watson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Terrell, McLennan.
Collins.	Terrell, Wise.
Greer.	Townsend.
Hudspeth.	Vaughan.
Johnson.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Present—Not Voting.

McNealus.

Absent.

Hume.	Real.
Kauffman.	Sturgeon.

The bill was read third time and passed by the following vote:

Yeas—25.

Adams.	Johnson.
Astin.	Lattimore.
Carter.	Mayfield.
Cofer.	Meachum.
Collins.	Murray.
Greer.	Paulus.
Hudspeth.	Peeler.

Perkins.	Ward.
Ratliff.	Warren.
Terrell, McLennan.	Watson.
Terrell, Wise.	Weinert.
Townsend.	Willacy.
Vaughan.	

Present—Not Voting.

McNealus.

Absent.

Bryan.	Real.
Hume.	Sturgeon.
Kauffman.	

Senator Watson moved to reconsider the vote by which the bill was passed, and lay the motion on the table.

The motion to table prevailed.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives.
Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 326, A bill to be entitled "An Act to grant a charter to the city of Houston Heights, in Harris county, Texas, defining its territorial limits, setting forth and defining its powers and duties, providing a system of taxation, providing for the election of officers, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives.
Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House Concurrent Resolution No. 17, relating to the practice of polygamy and polygamous cohabitation and contemplating an amendment to the Constitution of the United States forbidding such practice.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

SENATE BILL NO. 89.

The Chair laid before the Senate on second reading and special order, Senate bill No. 89, A bill to be entitled "An Act to fix and declare the right of contract in certain cases, and to regulate the making of contracts between publishers of newspapers, periodicals and other publications regularly issued, and railroad, interurban, and other transportation companies."

The bill having been read, Senator Terrell of McLennan offered the following amendment:

Amend the bill by adding to Section 2, the following:

"A copy of said agreement shall also be on file with the Railroad Commission of this State, and the Commission is hereby instructed to make a report of all transportation issued to the various newspapers of the State by virtue of this Act."

Senator Perkins moved to table the amendment, which motion to table was lost by the following vote:

Yeas—11.

Adams.	Perkins.
Astin.	Ratliff.
Hudspeth.	Ward.
Johnson.	Watson.
Meachum.	Willacy.
Peeler.	

Nays—14.

Carter.	Paulus.
Cofer.	Terrell, McLennan.
Collins.	Terrell, Wise.
Greer.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Warren.
Murray.	Weinert.

Present—Not Voting.

McNealus.

Absent.

Bryan.	Real.
Hume.	Sturgeon.
Kauffman.	

The amendment was then adopted. Senator Terrell of McLennan offered the following amendment:

Amend the bill by adding a new section, to be known as Section 2a, which shall read as follows:

"Provided, that any railroad, interurban, or electric railroad, trans-

acting business in this State, shall not be permitted to discriminate against volunteer firemen in attending their annual conventions, nor against ex-Confederate soldiers in attending their annual reunions, and in case any agreement for transportation shall be made with any newspaper, periodical, or any other publication in this State, then any such railroad, interurban, or electric railroad company herein mentioned shall also have authority to make agreement whereby they may permit such volunteer firemen in attending their annual convention and ex-Confederate soldiers in attending their annual reunions to travel to and from such conventions or reunions over their lines of railroad without cost or reduced rates.

The amendment was read, and Senator Perkins moved to table the amendment, which motion to table was lost by the following vote:

Yeas—6.

Adams.	Perkins.
Hudspeth.	Watson.
Johnson.	Willacy.

Nays—21.

Astin.	Paulus.
Bryan.	Peeler.
Carter.	Ratliff.
Cofer.	Terrell, McLennan.
Collins.	Terrell, Wise.
Greer.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Warren.
Meachum.	Weinert.
Murray.	

Absent.

Hume.	Real.
Kauffman.	Sturgeon.

The amendment was then adopted. Senator Townsend offered the following amendment:

Amend the bill on page 1, line 7, by adding after the word "Act" the following:

"Provided, that all advertising or other matter as furnished for publication, by any railroad, interurban or electric street railway company, to any publisher or publishers of any newspaper, periodical or other publication within this State, in exchange for mileage or transportation over

any road of any such railroad, interurban or electric street railway, shall not be published in such newspaper, periodical or other publication, unless the name of such railroad, interurban or electric street railway company so furnishing such matter for publication be printed in connection with and as a part thereof, giving the name of the railroad, interurban or electric street railway so furnishing such matter for publication, and any publisher or publishers or any such newspaper, periodical or other publication within this State who shall violate the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined any sum not less than twenty-five nor more than two hundred dollars."

The amendment was read and adopted.

Senator Mayfield offered the following amendment:

Amend the bill, page 1, by adding after the word "Act," line 17, the following:

"Any farmer in this State shall have the right to contract with any railroad or interurban or electric street railway company transacting business within this State, for the exchange of his turnips and lettuce for passenger transportation in accordance with the provisions of this Act."

The amendment was read.

RECESS.

Senator Lattimore moved that the Senate recess until 3 o'clock p. m. today.

The motion was adopted.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

SENATE BILL NO. 89.

Action recurred on Senate bill No. 89, the question being on the pending amendment by Senator Mayfield.

Senator Mayfield withdrew his amendment, and offered the following amendment in lieu of the first amendment:

Amend the bill, page 1, by adding

after the word "Act" in line 17, the following:

"Any farmer in this State shall have the right to contract with any railroad or interurban or electric street railway company transacting business within this State for the exchange of his farm products for passenger transportation in accordance with the provisions of this Act."

(Senator Meachum in the chair.)

Senator Hudspeth made a point of order on the amendment, contending that it was not germane to the bill.

The Chair (Senator Meachum) sustained the point of order, after it had been discussed.

Senator Mayfield appealed from the ruling of the Chair, and Senator Lattimore was called to the chair and presided.

Question—Shall the Chair be sustained?

The Senate sustained the Chair by the following vote:

Yeas—14.

Adams.	Perkins.
Astin.	Ratliff.
Hudspeth.	Real.
Johnson.	Ward.
Murray.	Watson.
Paulus.	Weinert.
Peeler.	Willacy.

Nays—13.

Bryan.	McNealus.
Carter.	Terrell, McLennan.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Greer.	Vaughan.
Lattimore.	Warren.
Mayfield.	

Present—Not Voting.

Meachum.

Absent.

Hume.	Sturgeon.
Kauffman.	

(Senator Meachum resumed the chair.)

Senator Vaughan offered the following amendment:

Amend the bill by adding after

the word "Act" in line 17, the following:

"Provided that no newspaper publisher shall be paid in transportation more than the regular rate for the advertising so contracted for; and such newspaper publisher shall not under the pretense of contracting for transportation and paying for the same in advertising be given the right to ride free."

The amendment was read and adopted.

Senator McNealus offered the following amendment:

Amend the bill by adding Section 2b:

Any bona fide policeman or fireman in the service of any city or town in Texas shall have the right to ride upon free transportation furnished by any steam railway company, any street railway company and interurban railway company, or any other line of public transportation, when such policeman or fireman is in the discharge of his public duty. But this provision shall not be construed so as to apply to men holding commissions as special policemen or firemen.

Senator Watson made the point of order that the amendment was not germane to the purposes of the original bill.

The Chair (Senator Meachum) sustained the point of order.

Senator Vaughan offered the following amendment:

Amend the bill as amended by adding after the word "free": Provided also the publisher of such newspaper shall publish in every issue thereof a copy of such contract, and every such person who shall ride over any railway by virtue of any such contract shall wear a tag designating herself or himself as such pass packer."

Pending discussion, Senator Johnson moved to table the amendment, which motion to table was adopted by the following vote:

Yeas—16.

Adams.	Peeler.
Astin.	Perkins.
Cofer.	Ratliff.
Hudspeth.	Real.
Johnson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Paulus.	Willacy.

Nays—8.

Carter.	Terrell, Wise.
Collins.	Townsend.
Lattimore.	Vaughan.
McNealus.	Warren.

Present—Not Voting.

Murray.

Absent.

Bryan.	Kauffman.
Greer.	Sturgeon.
Hume.	Terrell, McLennan.

Senator Mayfield offered the following amendment:

Amend the bill, page 1, by adding Section 2b, said section to be as follows:

"Provided, it shall be unlawful for any railroad company, interurban company or electric street company to issue to any person, firm or corporation owning or publishing any newspaper or other publication any mileage in excess of the reasonable value of said advertisements, figured at the usual cash prices charged the public by said owners or publishers of such newspaper or other publication for the same amount of space when the same is paid for in cash."

Senator Johnson moved to table the amendment, which motion to table was lost by the following vote:

Yeas—10.

Adams.	Perkins.
Astin.	Real.
Hudspeth.	Ward.
Johnson.	Watson.
Peeler.	Willacy.

Nays—17.

Bryan.	Paulus.
Carter.	Ratliff.
Collins.	Terrell, McLennan.
Greer.	Terrell, Wise.
Lattimore.	Townsend.
Mayfield.	Vaughan.
McNealus.	Warren.
Meachum.	Weinert.
Murray.	

Absent.

Kauffman.	Sturgeon.
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PAIRED.

Senator Cofer (present), who would vote "nay," with Senator Hume (absent), who would vote "yea."

The amendment was then adopted.

Senator Lattimore offered the following amendment:

Amend page 1, Section 2, line 19, of the bill by inserting after the word "writing" in said line the following: "and sworn to by the editor or publisher of such newspaper, periodical or other publication before some officer of the State authorized to administer oaths, and shall set forth the amount of space contracted for and the price agreed upon therefor, and shall further set forth and describe the kind and character of transportation given and received and the value thereof, and a true copy of such contract shall be filed in the office of the County Clerk of the county where such newspaper, periodical or other publication is located and recorded on the chattel mortgage record of such county."

Senator Hudspeth moved the previous question on the amendment and the engrossment of the bill, which motion being duly seconded, was so ordered.

The amendment was then adopted.

The bill having been read second time, was ordered engrossed by the following vote:

Yeas—15.

Adams.	Peeler.
Astin.	Perkins.
Bryan.	Real.
Hudspeth.	Ward.
Johnson.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Nays—12.

Carter.	Ratliff.
Collins.	Ferrell, McLennan.
Greer.	Terrell, Wise.
Lattimore.	Townsend.
Mayfield.	Vaughan.
McNealus.	Warren.

Absent.

Kauffman.	Sturgeon.
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PAIRED.

Senator Cofer (present), who

would vote "nay," with Senator Hume (absent), who would vote "yea."

FOURTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 216, A bill to be entitled "An Act to provide for the organization and government of irrigation districts and to provide for acquisition or construction of canal systems and storage reservoirs for the irrigation of lands embraced within such districts, and to authorize the issuance of bonds and levy of tax; and to issue and collect taxes for the payment of such bonds, to elect irrigation commissioners and other necessary officers of such districts for the purpose of carrying into effect the provisions of this Act; granting the right of eminent domain to such irrigation districts and authorizing the irrigation commissioners to acquire by purchase, gift or grant for such district, title to any right of way and other property, and generally to do all things necessary for the establishing and maintenance of such districts according to the provisions of this Act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

HOUSE BILL NO. 142.

Senator Hudspeth called for the regular order, which was Senate bill No. 45, and which was laid before the Senate on second reading.

Senator Hudspeth asked that, under the joint rules of the two houses, that House bill No. 142, on the same subject, be laid before the Senate in lieu thereof.

The Chair (Senator Meachum) laid before the Senate on second reading

House bill No. 142, A bill to be entitled "An Act for the protection of stock raisers, farmers and horticulturists, providing for the destruction of wolves and other wild animals, to make an appropriation

therefor, to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

On motion of Senator Hudspeth, the committee report, which provided that the bill be not printed, was adopted, the chair holding that, under the joint rules, it would not be necessary for the bill to be printed.

Senator Hudspeth offered the following amendment:

Amend House bill No. 142 by striking out all after the enacting clause and insert the following:

Section 1. That hereafter when any person shall kill in this State any coyote, lobo, or other wolf, panther, Mexican lion, tiger, leopard or wild cat, he shall be paid the sum of five (\$5.00) dollars for each lobo wolf, panther, Mexican lion, tiger or leopard, and the sum of one dollar (\$1.00) for each coyote wolf, and 50 cents for each wild cat so killed.

Sec. 2. The scalps of said animals killed shall be presented by the person or persons having killed said animals in person to the commissioners' court of the county in which said animal or animals were killed, accompanied by a written affidavit before the county judge of said county or any other officer authorized to administer oaths stating when and where he killed said animal, and the kind of each, that affiant in person and no other killed said animal or animals.

Sec. 3. Such scalp shall consist of the entire hide of said animal including the scalp of both ears, so that the court may sufficiently identify the class of animals so killed; the court may in all cases when it is not satisfied as to the sufficiency of the evidence before it under this Act reject any and all claims. The commissioners' court shall immediately take and pass upon said hide, slit both ears of said hide, and may return same to the owner; but in no case shall any commissioners' court in this State be authorized under this act to issue warrant for bounty on any hide when presented with either ear of same disfigured in the least, cut, slit or any defect whatsoever. Both ears must be absolutely whole, and such commissioners' court shall issue certificate signed by at least three members of said court, and attested by the signature of the clerk of said court, and under the seal of said court,

showing the kind of animals killed and the number of each, and the name of the party who killed same, and the amount due such party. The clerk of the court shall issue a warrant on the State Treasury for the amount specified, and payable to the order of the party named in such certificate.

Sec. 4. It shall be the duty of the commissioners' court of the several counties of this State, at each regular session of each year, to make an itemized statement, showing the several amounts paid, to whom and when paid, by order of said court under the provisions of this act; said statement shall be entered upon the minutes of said court, and a certified copy of such statement shall be transmitted by the clerk of said court to the Comptroller of the State. Upon receipt of said certified copy by the Comptroller, it shall be his duty to draw his warrant upon the State Treasurer for three-fourths of the aggregate amount paid out by such county, under the provisions of this act, as shown by said certified copy of statement, payable to the treasurer of said county, which said amount when received by said county treasurer, shall be by him credited to the fund of the third class of said county.

Sec. 5. And the sum of one hundred and fifty thousand dollars (\$150,000.00) is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the payment of above named bounties.

Sec. 6. Whereas, the wolf is a menace to the life of both man and beast, by reason of the bite of same frequently causing death from hydrophobia, and as the carnivorous wild animals in Texas are daily destroying large numbers of poultry, swine, sheep, goats, cattle and horse stock, and otherwise damaging the farmer, horticulturist and ranchman, and as there is now no adequate law which tends to induce the destruction of such predatory wild animals, the loss caused by the ravages of same being very great in the aggregate, and the public good requiring immediate relief therefrom, an emergency and public necessity exists that this act take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

Senator Collins offered the follow-

ing amendment, which was read and adopted:

Amend by striking the words "50 cents" in line 16, and adding in lieu thereof the words one (\$1.00) dollar.

Senator Willacy offered the following amendment, which was read and adopted:

Amend the bill by adding at the end of Section 4 the following: "Provided: that nothing herein shall be construed to authorize any person to enter the enclosed lands of another without first receiving permission from the owner or lessee of said enclosed lands and provided further: that said permission to enter shall be had in writing from said owner or lessee."

WILLACY,
BRYAN.

Senator Hudspeth offered the following amendment, which was read and adopted:

Amend House bill No. 142 as amended by adding between the words "that" and "this" in line 7, page 3, the following: The constitutional rule requiring bills to be read upon three several days be suspended, and said rule is hereby suspended and that."

Senator Collins offered the following amendment, which was read and adopted:

Amend as follows: by adding the following after the word wolf in line 15, page 1: "or gray or timber wolf."

Senator Hudspeth offered the following amendment, which was read and adopted:

Amend the bill by striking out the word State in line 8, page 2, and insert in lieu thereof the word "county."

The bill having been read second time was passed to a third reading by the following vote:

Yeas—21.

Adams.	Perkins.
Astin.	Ratliff.
Bryan.	Real.
Collins.	Terrell, McLennan.
Hudspeth.	Townsend.
Johnson.	Ward.
McNealus.	Warren.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.
Peeler.	

Nays—6.

Carter.	Mayfield.
Greer.	Terrell, Wise.
Lattimore.	Vaughan.

Absent.

Kauffman.	Sturgeon.
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PAIRED.

Senator Cofer (present), who would vote "nay," with Senator Hume (absent), who would vote "yea."

On motion of Senator Hudspeth the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Peeler.
Astin.	Perkins.
Bryan.	Ratliff.
Carter.	Real.
Cofer.	Terrell, McLennan.
Collins.	Terrell, Wise.
Hudspeth.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Nays—1.

Greer.

Absent.

Hume.	Sturgeon.
Kauffman.	

The bill was read third time and passed by the following vote:

Yeas—21.

Adams.	Perkins.
Astin.	Ratliff.
Bryan.	Real.
Collins.	Terrell, McLennan.
Hudspeth.	Townsend.
Johnson.	Ward.
McNealus.	Warren.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.
Peeler.	

Nays—6.

Carter.	Mayfield.
Greer.	Terrell, Wise.
Lattimore.	Vaughan.

Absent.

Kauffman.	Sturgeon.
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PAIRED.

Senator Cofer (present), who would vote "nay," with Senator Hume (absent), who would vote "yea."

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 23.

Senator Townsend moved that the regular order of business (Senate bill No. 35) be suspended, and the Senate take up, out of its order, Senate bill No. 23.

REFUSE TO RECESS.

Senator Johnson moved that the Senate recess until 8 o'clock tonight.

Senator Murray moved that the Senate adjourn until 10 o'clock tomorrow morning.

Action being on the longest time first, the motion to adjourn until 10 o'clock tomorrow morning was lost by the following vote:

Yeas—10.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Kauffman.	Real.
Murray.	Terrell, McLennan.

Nays—16.

Carter.	Terrell, Wise.
Cofer.	Townsend.
Collins.	Vaughan.
Johnson.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
Meachum.	Weinert.
Ratliff.	Willacy.

Present—Not Voting.

Hudspeth.	McNealus.
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Absent.

Greer.	Sturgeon.
Hume.	

Action recurred on the motion to recess until 8 o'clock tonight and the same was lost by the following vote, the vote being a tie:

Yeas—13.

Carter.	Terrell, Wise.
Cofer.	Townsend.
Collins.	Vaughan.
Johnson.	Ward.
Lattimore.	Warren.
Mayfield.	Weinert.
Ratliff.	

Nays—13.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Hudspeth.	Real.
Kauffman.	Watson.
Meachum.	Willacy.
Murray.	

Present—Not Voting.

McNealus.	Terrell, McLennan.
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Absent.

Greer.	Sturgeon.
Hume.	

SENATE BILL NO. 23.

Action recurred on the motion by Senator Townsend to suspend the regular order of business (Senate bill No. 35) and take up out of its order, Senate bill No. 23.

The motion was adopted by the following vote:

Yeas—24.

Adams.	Murray.
Astin.	Peeler.
Bryan.	Ratliff.
Carter.	Real.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Hudspeth.	Vaughan.
Johnson.	Ward.
Kauffman.	Warren.
Lattimore.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Nays—1.

Perkins.

Present—Not Voting.

McNealus. Terrell, McLennan.

Absent.

Greer. Paulus.
Hume. Sturgeon.

The Chair laid before the Senate on second reading,

Senate bill No. 23, A bill to be entitled "An Act for the location and establishment at the East Texas Penitentiary at Rusk, Cherokee county, Texas, by the Board of Prison Commissioners of the State Penitentiary, of a factory for the manufacture of cotton bagging, cotton sacks, cotton duck, cotton rope, cotton twine, and other cotton goods, for the employment of managing experts and of certain convicts in the operation of said factory, to make an appropriation therefor, and the repealing of all laws or parts of laws in conflict with this Act, and declaring an emergency."

(Lieutenant Governor Davidson in the chair.)

Senator Townsend moved that the bill be made a special order for tomorrow morning.

Senator Terrell of McLennan moved as a substitute, that the bill be made a special order for next Thursday morning following the consideration of Senate bill No. 15.

Action recurred on the longest time first.

REFUSE TO RECESS.

Senator Johnson moved that the Senate recess until 8:30 o'clock tonight.

Senator Perkins moved, as a substitute, that the Senate adjourn until 10 o'clock tomorrow morning.

Action recurred on the longest time first and the motion to adjourn was lost by the following vote:

Yeas—12.

Adams.	Meachum.
Astin.	Murray.
Bryan.	Paulus.
Hudspeth.	Peeler.
Kauffman.	Perkins.

Terrell, McLennan. Willacy.

Nays—15.

Carter.	Real.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Watson.
Ratliff.	

Present—Not Voting.

Weinert.

Absent.

Weinert.	Hume.
Greer.	Sturgeon.

Action then recurred on the motion to recess until 8:30 o'clock tonight and the same was lost by the following vote:

Yeas—13.

Cofer.	Ratliff.
Collins.	Terrell, Wise.
Johnson.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Warren.
Murray.	

Nays—15.

Adams.	Peeler.
Astin.	Perkins.
Bryan.	Real.
Carter.	Terrell, McLennan.
Hudspeth.	Watson.
Kauffman.	Weinert.
Meachum.	Willacy.
Paulus.	

Absent.

Greer.	Sturgeon.
Hume.	

SENATE BILL NO. 23.

Action recurred on Senate bill No. 23, the question being on the substitute motion to make the bill a special order for next Thursday morning, after the consideration of Senate bill No. 15.

The substitute motion was lost by the following vote:

Yeas—10.

Adams.	Paulus.
Astin.	Perkins.
Kauffman.	Terrell, McLennan.
Meachum.	Terrell, Wise.
Murray.	Watson.

Nays—16.

Bryan.	Peeler.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Weinert.

Absent.

Greer.	Sturgeon.
Hudspeth.	Willacy.
Hume.	

Action then recurred on the motion to make Senate bill No. 23 a special order for tomorrow morning, and the same was adopted.

SENATE BILL NO. 35.

The Chair laid before the Senate on second reading,

Senate bill No. 35, A bill to be entitled "An Act to require the attendance of all boys and girls between the ages of seven years and seventeen, upon the public schools or some private school, for at least eighty days each school year, requiring parents or guardians to make monthly reports to the teachers, showing the cause of the absence of their children or wards, and making it a misdemeanor for any parent or guardian to fail to require their children of the lawful age to attend the required time, if not hindered by some cause unavoidable to such parent or guardian, making it a misdemeanor for a parent or guardian to fail to report the cause of absence of such children, when it occurs, and repealing all laws in conflict herewith."

REFUSE TO RECESS.

Senator Perkins moved that the Senate recess until 8:30 o'clock tonight.

Senator Meachum moved that the Senate adjourn until 10 o'clock tomorrow morning.

Action recurred on the longest time first and the motion to adjourn was lost by the following vote:

Yeas—13.

Adams.	Peeler.
Astin.	Real.
Bryan.	Terrell, McLennan.
Hudspeth.	Watson.
Kauffman.	Weinert.
Meachum.	Willacy.
Paulus.	

Nays—14.

Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Terrell, Wise.
Johnson.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
Murray.	Warren.

Present—Not Voting.

McNealus.

Absent.

Greer.	Sturgeon.
Hume.	

Action recurred on the motion to recess until 8:30 o'clock tonight and the motion was lost by the following vote:

Yeas—13.

Carter.	Ratliff.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Murray.	Warren.
Perkins.	

Nays—14.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Real.
Hudspeth.	Terrell, McLennan.
Kauffman.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Present—Not Voting.

McNealus.

Absent.

Greer.	Sturgeon.
Hume.	

BILLS SIGNED.

The Chair, Lieutenant Governor Davidson, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

House bill No. 81, A bill to be entitled "An Act to grant a new charter to the city of Texarkana, Bowie county, Texas; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

House Concurrent Resolution No. 22, a resolution relating to the rescinding the vote by which House bill No. 81 was passed.

SENATE BILL NO. 35.

Action recurred on the pending business, Senate bill No. 35, the question being on the committee report, there being an adverse majority committee report and a favorable minority committee report.

(Senator Meachum in the chair.)

ADJOURNMENT.

Pending discussion, Senator Peeler moved that the Senate adjourn until tomorrow morning at 10 o'clock.

The motion was adopted.

APPENDIX.**COMMITTEE REPORTS.**

Committee Room,
Austin, Texas, Feb. 10, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 32, A bill to be entitled "An Act providing that the owners, lessees, operators or receivers of all cotton gins in this State shall write or stamp with indelible ink upon each and every bale of cotton ginned the word "tare" the weight of the bagging and ties in which the cotton is wrapped written or stamped with indelible ink in plain figures, defining separate offenses and providing penalties declaring it unlawful for any person, firm, corporation, cotton exchange or board of trade to make greater deductions for tare, either from the gross weight of any bale of cotton or the price of

same than is shown by the figures written or stamped thereon, defining separate offenses; providing penalties, and declaring an emergency."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

WATSON, Chairman

Committee Room,
Austin, Texas, Feb. 11, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 2, to whom was referred Senate bill No. 219, A bill to be entitled "An Act requiring individuals, copartnerships, associations and corporations heretofore or hereafter convicted of a violation of the anti-trust law of this State, or of the Federal law, or their successors doing business in this State, to file annual reports with the Secretary of State; defining the term 'successors'; providing a penalty for any failure to make the report required by said Act; providing penalties for acting as agent after failure to make such report; authorizing the Secretary of State to call the attention of the county and district attorneys to any violation of this Act and making it their duty to immediately investigate and take steps to enforce the law."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WATSON, Chairman

(Majority Report.)

Committee Room,
Austin, Texas, Feb. 10, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Judiciary Committee No. 2, to whom was referred

Senate bill No. 113, A bill to be entitled "An Act providing for the publicity of contributions to campaign funds in this State; providing penalties for its violation, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

WATSON, Chairman

(Minority Report.)

Committee Room,
Austin, Texas, Feb. 10, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: A minority of your Judiciary Committee No. 2, to whom was referred

Senate bill No. 113, A bill to be entitled "An Act providing for publicity of contributions to campaign funds in this State; providing penalties for its violation, and declaring an emergency."

Have had the same under consideration and we report back to the Senate with the recommendation that it do pass.

Cofer, Townsend, Ratliff, Johnson.

Committee Room,
Austin, Texas, Feb. 10, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 62, A bill to be entitled "An Act to provide for the removal of a married woman's disabilities of coverture and declare her feme sole for mercantile and trading purposes."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WATSON, Chairman

Committee Room,
Austin, Texas, Feb. 10, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 23, A bill to be entitled, "An Act creating the offense of pandering and to define and prohibit the same; to provide for the punishment thereof; for the competency of certain evidence at the trial therefor, and providing what shall not be a defense, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WATSON, Chairman

Committee Room,
Austin, Texas, Feb. 10, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 5, A bill to be entitled "An Act to amend Chapter 74 of the Acts of the Twenty-ninth Legislature, being an Act to amend Article 899 of the Penal Code of the State of Texas of 1895, so as to require butchers of Karnes county, Texas, to give bond as required by law; so as to exempt Archer, Shelby and Nacogdoches counties from the operation of the law requiring butchers to give bond and to have hides inspected, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WATSON, Chairman.

Committee Room,
Austin, Texas, Feb. 10, 1911.
Hon. A. B. Davidson, President of the Senate:

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 143, A bill to be entitled "An Act to amend Chapter 15 of Title 15 of the Penal Code of the State of Texas, as adopted at the Regular Session of the Twenty-fourth Legislature, by adding Article 713a after Article 713; prescribing that where a defendant by the introduction of evidence puts in issue the character of the deceased and should an issue arise as to who commenced the difficulty, it shall be competent for the State to introduce evidence of the general character of the defendant, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WATSON, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 175, A bill to be entitled "An Act to amend Article 642 of the Revised Civil Statutes of Texas, 1885, as amended by Chapter 130, Acts of the Twenty-fifth Legislature; Chapter 43, Acts of the Twenty-sixth Legislature; Chapter 43, Acts of the Twenty-seventh Legislature; Chapter 129, Acts of the Twenty-eighth

Legislature; Chapter 62, Acts of the Twenty-ninth Legislature; Chapter 150, Acts of the Thirtieth Legislature, by adding to said Article 642 a new subdivision to be known as Subdivision 72, providing for the organization of Assets Realization Companies, to purchase for liquidation and sale the assets of estates, and loaning and placing money upon any character of assets or securities."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WARD, Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 228, A bill to be entitled "An Act authorizing a comparison of handwriting by experts or by the court or jury in civil suits, and providing that irrelevant papers may, when shown to be genuine, be admitted in evidence as standards of comparison, and providing that the common law rules of evidence on this subject shall remain otherwise unaffected."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WARD, Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 47, A bill to be entitled "An Act to amend Chapter 10 of Title 51 of the Revised Statutes by adding thereto a new article, to be numbered 2655, authorizing the sale of property of the estate of wards for the purpose of investing or loaning the proceeds or for the purpose of changing an investment previously made."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WARD, Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 67, A bill to be entitled "An Act to amend Articles 2639 and 2640 of the Revised Statutes, which relate to investing and loaning money of wards,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WARD, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 95, A bill to be entitled "An Act to regulate practice in the district and county courts in regard to instruction to juries,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WARD, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 95, A bill to be entitled "An Act to regulate practice in the district and county courts in regard to instructions to juries,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

LATTIMORE.

Committee Room,

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 182, A bill to be entitled "An Act to amend Article 5250, 5257, 5260, and 5261, of the Revised

Statutes of Texas of 1895, and to prescribe what the pleading of plaintiff and defendant in cases of trespass to try title shall contain, and to fix the time for demanding and filing abstracts of title."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WARD, Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 108, A bill to be entitled "An Act to amend the Revised Civil Statutes of the State of Texas, adopted at the regular session of the Twenty-fourth Legislature so as to add thereto Article 1107a, providing for giving the judges of the district courts the power in vacation to exercise all powers as fully as in term time, except to enter final judgment, regulating procedure in such matters as are transacted in vacation."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WARD, Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was transferred

Senate bill No. 162, A bill to be entitled "An Act to amend Article 3619, Chapter 1, Title 77, of the Revised Civil Statutes of the State of Texas, relating to the partition of real estate by lot, and permitting the court in certain cases to direct partition otherwise than by lot, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WARD, Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 17, A bill to be entitled "An Act to amend Article 1316,

Chapter 12, Title 29, of the Revised Civil Statutes of the State of Texas, requiring the court to charge the jury before argument."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WARD, Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 111, A bill to be entitled "An Act to create the county court of Bexar county for civil cases, to define the jurisdiction thereof, and to conform to such change to the jurisdiction of the county court of Bexar county, fixing the salary of the judge of the county court of Bexar county for civil cases; providing for the appointment and election of the judges of said court hereby created; providing for the appointment of special judges and filling of vacancies in said office, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

WARD, Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 109, A bill to be entitled "An Act making it a misdemeanor to sell, give away or drink, or permit to be sold, given away or drunk, spirituous, vinous or malt liquors, whether producing intoxication or not, in any bawdy house, disorderly house or assignation house; defining a bawdy house, a disorderly house, assignation house, providing a penalty for the violation of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WARD, Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 224, A bill to be entitled "An Act to amend Article 234 of Chapter 2 of Title 11 of the Revised Civil Statutes of the State of Texas, prescribing certain duties to be imposed upon county attorneys and providing compensation therefor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WARD, Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared:

Senate bill No. 203, A bill to be entitled "An Act to amend Section 18 of Chapter 104, being an Act of the Twenty-ninth Legislature of the State of Texas, to define and provide for organizing and disciplining the militia, to prescribe the duties of the Governor, the Adjutant General and all officers and enlisted men thereof; to define military offenses, to provide for the trial and punishment thereof, to provide for the pay, transportation and subsistence of the militia when called into actual service, and to repeal all laws in conflict therewith, by amending said Section 18, so that the same shall provide for the appointment by the Governor of a staff, consisting of the Adjutant General and twelve aides-de-camp and that said aides-de-camp shall not be ineligible from holding any office of emolument, trust or honor, and shall not be ineligible from serving as the chairman or member of any committee of any political party."

And find the same correctly engrossed.

COFER, Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared:

Senate bill No. 201, A bill to be entitled "An Act to create more efficient road system for Collin county in the State of Texas, and making County Commissioners ex officio

26-S.

Road Commissioners; and prescribing their powers and duties as such, and providing for their compensation as such Road Commissioners; and providing for the condemning of material for the construction and maintenance of public roads and to provide for the compensation for the material used, and providing for the working of county convicts on the public road and the purchase of supplies for such convicts, and rewards for the capture of escaped convicts, and for the commutation of sentence for faithful service, and good behavior; and defining the powers and duties of road overseers, and to provide for the summoning of hands and teams for road work and for the allowance of time for services of hands and teams on public roads; and fixing a penalty for violation of same, and relieving them from the payment of such work by the payment of \$3.00; and providing further, making this Act cumulative of the General Laws now in force; and to repeal all laws in conflict with this Act; and declaring an emergency."

And find the same correctly engrossed.

COFER, Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared:

Senate bill No. 12, A bill to be entitled "An Act to provide for the suspension of sentence in certain cases of conviction of felony, for first offenses, upon recommendation of the jury, and for the submission of the issue to the jury by the court; to provide the duration of suspension of sentence, and for pronouncing sentence after suspension thereof in case of final conviction of the defendant of any other felony, and for cumulating punishment in such cases, and providing for an emergency."

And find the same correctly engrossed.

COFER, Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared:

Senate bill No. 114, A bill to be entitled "An Act to allow a suit for rent to be joined with an action of forcible entry and detainer wherever the amount is within the jurisdiction of the justice court, and declaring an emergency."

And find the same correctly engrossed.

COFER, Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared:

Senate bill No. 129, A bill to be entitled "An Act to amend Article 4542, Chapter 10, Title 94, Revised Statutes of Texas of 1895, relating to passenger fares upon railroads."

And find the same correctly engrossed.

COFER, Chairman.

PETITIONS AND MEMORIALS.

Upon the direction of Lieutenant Governor Davidson the following petitions directed to the President of the Senate were read:

Petition numerously signed by citizens of Beaumont favoring the passage of House Concurrent Resolution No. 8, which provides for the creation of a commission to investigate and prepare a bill to compensate employes for injuries received in course of employment.

Communication from John Junker of Arneckeville, Texas, asking support of House bill No. 262, which seeks to amend Section 10, Chapter 36 of the General Acts of the Thirty-first Legislature.

Communication from the Board of Directors of the San Antonio Real Estate Exchange protesting against the enactment of House bill No. 285, relating to the fixing of the venues of suits and providing in what courts suits may be brought.

By Senator Paulus:

Petition numerously signed by citizens of Fayette county, asking support of House bill No. 352.

By Senator Paulus:

Petition numerously signed by citizens of Fayette county favoring enactment of the following Senate bills:

Senate bill making it a misdemeanor for a person to give a check on a bank when the person has no money in said bank to meet the check on presentation.

Senate bill imposing a special tax on persons who sell so called bankrupt and damaged stocks of merchandise in towns other than their place of residence.

Senate bill amending the law as to peddlers by specifically defining a peddler.

Senate bill giving mortgagee the right to inspect mortgaged property at any time.

By Senator Paulus:

Petition numerously signed by citizens of La Grange, protesting against enactment of the "Landry bill" which provides for a change in the game laws which would permit the sale of ducks and geese.

By Senator Lattimore:

Petition numerously signed by members of No. 6 B. M. & P. I. U. of Fort Worth, asking support of Bill No. 124, relative to the appointment of inspector of State buildings.

By Senator Hudspeth:

Petition numerously signed by citizens of his district and elsewhere in Texas asking the legislature to enact legislation permitting the sale or lease of the Concho, San Saba and Llano Valley railroad to the Gulf Colorado & Santa Fe Railway Co.

By Senator Ratliff:

Petition numerously signed by citizens of his district asking the Legislature to authorize county commissioners courts to contract with county attorneys for the collection of delinquent taxes.

By Senator Greer:

Petition numerously signed by citizens of his district requesting support of the following Farmers Union measures now pending:

House bill No. 99 and Senate bill No. 23.

House bill No. 32 and Senate bill No. 46.

House bill No. 124 and Senate bill No. 82.

By Senator Paulus:

Petition numerously signed asking assistance in defeating House bill No. 150, which provides that insurance of guaranty corporations may be joined in a suit brought by an employe of labor damages on account of personal injuries.

By Senator McNealus:

Communication from J. E. Johnston, Secretary Retail Dealers' Hardware and Implement Association of Texas, protesting against the enactment of House bill No. 285, An Act to fix venue of suits and to provide in what courts suits may be brought.

By Senator McNealus:

Communication from J. R. Babcock, Secretary Dallas Chamber of Commerce advising that the latter organization had resolved to favor the German resolution in recompensation to employes and to oppose other measures involving this matter.

By Senator Townsend:

Petition numerously signed by citizens of his district asking that there be introduced and passed an Act Amending the State Fish and Game Law prohibiting the catching of fish from the streams and rivers bordering upon Angelina county.

By Senator Adams:

Petition numerously signed asking support of measures calculated to promote the welfare of the A. and M. College of Texas.

By Senator Hudspeth:

Petition numerously signed by citizens of El Paso county protesting against the creation of a new county from the eastern portion of El Paso county.

By Senator Johnson:

Petition numerously signed by qualified voters and women at Wellington, Texas, asking support of legislation insuring the right of the people of each community to decide if pool halls shall be conducted therein.

By Senators Johnson, McNealus, Ratliff, Warren, Cofer, Lattimore, Perkins and Peeler:

Petitions numerously signed by citizens of their respective districts asking the Legislature to repeal the law

requiring the itinerant vendors of medicines to pay the large license.

By Senators Johnson and Adams.

Petition numerously signed by citizens of their respective districts requesting support of legislation in behalf of public health and regulating the practice of itinerant vending of medicine.

TWENTY-SECOND DAY.

Senate Chamber,
Austin, Texas,

Tuesday, Feb. 14, 1911.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Davidson.

Roll called, quorum being present, the following Senators answering to their names:

Adams.	Murray.
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Real.
Greer.	Terrell, McLennan
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.

Absent.

Sturgeon.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, on motion of Senator Peeler the same was dispensed with.

REGULAR ORDER.

The regular order of business was called (see Appendix for "Committee Reports" and "Petitions and Memorials.")

RESIGNATION OF COMMITTEEMAN.

Austin, Texas, Feb. 13, 1911.

Hon. A. B. Davidson, Lieutenant Governor.

My dear sir: I herewith tender you my resignation as a member of the Congressional re-Districting Committee of the Senate.